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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DONOVAN JOSEPH,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:18-cv-02301-KJD-GWF

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the court on petitioner Donovan Joseph's motion for stay (ECF No. 7). Federal habeas petitioners may seek a stay in accordance with *Rhines v. Weber*, 544 U.S. 269 (2005), in order to return to state court to exhaust all grounds of a petition. However, counsel for Joseph explains that he seeks a stay in order that he may have more time to review Joseph's file, research, and prepare an amended petition. While the court recognizes that many habeas attorneys have heavy caseloads, this is not a valid basis to request a stay. The motion is denied. The court notes that petitioner at all times remains responsible for calculating the running of the federal limitation period as applied to his case.

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**IT IS THEREFORE ORDERED** that petitioner's motion to stay case (ECF No. 7) is **DENIED**.

**IT IS FURTHER ORDERED** that respondents' motion for extension of time to file a response to the petition (ECF No. 9) is **GRANTED**. Respondents shall file their responsive pleading within **60 days** of the date of this order.

DATED: 3 May 2019.



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KENT J. DAWSON  
UNITED STATES DISTRICT JUDGE